IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5983 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE AKIL KURESHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

DELTA INDUSTRIAL RESINS PVT. LTD.

Versus

KANCHANKUMAR BHIMABHAI PATEL

Appearance:

1. Special Civil Application No. 5983 of 2004

MR HRIDAY BUCH for Petitioner No. 1

MR MUKESH H RATHOD for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE AKIL KURESHI

Date of decision: 28/07/2004

ORAL JUDGEMENT

Rule. Mr.M.H.Rathod waives service of notice of rule on behalf of the respondent. At the joint request of the parties, the petition is taken up for final

disposal today.

2. Though by way of present petition, the petitioner has challenged the ex-parte award passed by the Labour Court, Valsad on 15.9.2001 by which reference of the respondent workman was allowed and the respondent workman was directed to be reinstated in service with full backwages, as also the order dated 31.7.2003 by which the application of the petitioner for setting aside the ex-parte award was rejected, the learned advocates appearing for the parties state that the petition can be disposed of and the entire issue can be finally resolved by giving appropriate directions for reinstatement of the respondent workman.

3. Learned advocate Shri Buch appearing for the petitioner states that the petitioner would be ready to reinstate the respondent workman, however without any backwages by way of full and final settlement of the dispute between the parties. Learned advocate Mr.Rathod for the respondent-workman agrees to the said suggestion and agrees to forego the backwages in the interest of final settlement between the parties. Accordingly, in view of the consensus between the parties, it is directed that the respondent shall be reinstated in service by the petitioner within a period of fifteen days from today with continuity of service but without backwages and other monetary benefits. In view of these directions, the dispute between the parties comes to an end. The petitioner shall pay cost of Rs.5,000/- (Rupees five thousand) to the respondent.

4. With the above directions, the petition stands disposed of. Rule is made absolute to the above extent.

(Akil Kureshi, J.)
(vjn)